

Order

Michigan Supreme Court
Lansing, Michigan

July 31, 2009

Marilyn Kelly,
Chief Justice

7 March 2009

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

136336 & (121)
136338-39

BRIAN POTTER,
Plaintiff-Appellant,

v

SC: 136336, 136338-39
COA: 262529, 263538
Washtenaw CC: 03-001226-NH

RICHARD C. McLEARY, M.D., GARY
AUGUSTYN, M.D., ST. JOSEPH MERCY
HOSPITAL ANN ARBOR, d/b/a TRINITY
HEALTH-MICHIGAN, ROBERT DOMEIER,
D.O., and EMERGENCY PHYSICIANS
MEDICAL GROUP, P.C.,
Defendants,

and

KRISTYN H. MURRY, M.D., and
HURON VALLEY RADIOLOGY, P.C.,
Defendants-Appellees.

This cause having been brought to this Court by appeal from the decision of the Court of Appeals and having been argued by counsel and due deliberation having been had thereon by the Court, IT IS HEREBY ORDERED that the judgment of the Court of Appeals is REVERSED and the cause is REMANDED to the Circuit Court for the County of Washtenaw for further proceedings in conformity with the opinion filed herein. The order holding abeyance the application for leave to appeal in *Potter v McLeary* (Docket Numbers 136338-39) is VACATED and the application for leave to appeal is DENIED. The motion by Cardiovascular Clinical Associates, P.C., for leave to file a brief *amicus curiae* is GRANTED.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 1, 2009

Corbin R. Davis

Clerk